

REMARKS

Claims 2, 3, 5-7 and 9 are currently pending in this application. Claims 8, 10-24 and 26 have been withdrawn from consideration without prejudice in response to a restriction requirement. Reconsideration is respectfully requested in light of the above amendments and following remarks.

Claims 2, 3, 5 and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,009,350 to Renken. Applicants respectfully traverse this rejection.

Applicants claimed invention as recited in independent claim 3 is directed towards an implantable cardiac therapy device with an enclosed casing to hold both cardiac therapy circuitry and high-frequency communication circuitry. For example, claim 3 recites an implantable cardiac therapy device that includes an enclosed casing that houses cardiac therapy circuitry in electrical isolation from a high-frequency transceiver which is adapted to transmit and receive communication signals via an antenna. The enclosed casing includes a first chamber to house the cardiac therapy circuitry and a second chamber to house the high-frequency transceiver. (Underlining added for emphasis only). Applicants respectfully submit that Renken does not disclose or suggest the recited claim elements.

The Examiner alleges that Renken discloses a device having a casing with a first chamber in the form of housing 601 and a second chamber in the form of header H that allegedly isolate pacing/sensing circuitry from a high-frequency transceiver. What Renken actually discloses is an implantable device having a housing which encloses a hybrid circuit board having a large air core antenna mounted around the periphery of the hybrid. (Renken, col. 13, lines 5-12).

The device of Renken may also include an external antenna enclosed in a separate connector block or header H (having a connecting lead bore) if desired so that additional flexibility in the types of signal transmissions to and from the implantable device may be had. (Renken, col. 13, lines 21-24). Thus, Renken discloses a hybrid circuit and antenna enclosed in the same chamber of a housing and in some instances an external antenna includes in a separate header.

Renken does not therefore disclose or in any way suggest a device having an enclosed casing having a first chamber to house cardiac therapy circuitry and a second chamber to house a high-frequency transceiver as recited in claim 3 of the present invention. Rather, the device of Renken is formed by two separate enclosed casings one which houses both the cardiac therapy circuitry and an antenna and a second which houses a separate external antenna.

Accordingly, Applicants respectfully submit that independent claim 3 is novel and unobvious over Renken and is therefore allowable. Applicants further submit that claims 2, 5 and 6 that depend from claim 3 are allowable as is claim 3 and for additional limitations recited therein.

The Examiner rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Renken in view of U.S. Patent Number 6,379,300 to Haubrich. The Examiner also rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Renken in view of U.S. Patent Number 6,312,378 to Bardy. Applicants respectfully traverse these rejections.

In view of the foregoing analysis of independent claim 3 in view Renken, Applicants believe that the rejection of dependent claims 7 and 9 under §103 are rendered moot as claims 7 and 9 depend from allowable independent claim 1.

In light of the above remarks, it is respectfully submitted that the application is in condition for allowance and an early notice of allowance is requested.

Respectfully submitted,

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Peter A. Nichols, Reg. No. 47,822
Patent Attorney for Applicants

CUSTOMER NUMBER: 36802